

STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF DEPARTEMENT OF FISH, WILDLIFE AND PARKS GRIEVANCE NO. 2-2013.

FRANK H. BOWEN)	Case No. 760-2013
)	
Grievant,)	SETTLEMENT AGREEMENT
)	
v.)	
)	
MONTANA DEPARTMENT OF)	
FISH, WILDLIFE & PARKS)	
)	
Defendant.)	

The parties agree as follows:

- 1) It is not within legitimate management directives for supervisors to direct employees to tell less than the truth or the whole truth. Threats of losing one's job can be intimidating and are not to be used outside of the guidelines established in the progressive disciplinary policy. While statements such as these were made by Bowen's supervisor, they were not intended to be threatening or intimidating in nature. Frank Bowen reasonably interpreted them that way and for that reason they should have been restated. In fact, the statements were intended to acknowledge the very real consequences that could and did occur in this matter where people are no longer in their positions in other agencies.
- 2) Frank Bowen's performance during his time as the Polson area game warden is well documented in his annual performance reviews. In those reviews Frank never received a sub-par rating. He consistently met expectations of his supervisors in all categories and exceeded expectations in numerous categories. We regret any misleading statements construed by the public as unflattering and damaging to your reputation. This letter will be placed in your personnel file and is your personal property to disseminate however you see fit on your personal time with your personal resources.
- 3) These statements need to be approved by the Grievant before being accepting as relief.
- 4) The department will pay you \$1,328.31 for your expenses and you can deposit that into the MGWA account as you desire.

5) I, Frank Bowen, pledge not to file a human rights complaint or any other complaint against the department of FWP regarding this issue. Frank Bowen will withdraw the current grievance when this statement is approved.

6) Frank Bowen will not disseminate this settlement without a proper court order.

Frank H. Bowen (Grievant) Frank Bowen Date: 11 June 2013

Jack Lynch (FWP Legal Council) Jack Lynch Date: 6-11-13